

**FILED**

**APR 09 2015**

Clerk, U.S. District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

LLOYD SCOTT MAIER,

Plaintiff,

vs.

MARTIN FRINK and MR. ROSS,

Defendants.

CV 13-92-GF-DWM-JTJ

ORDER

This matter comes before the Court on Plaintiff Lloyd Scott Maier's Motion for Default Judgment. (Doc. 23.) Magistrate Judge John Johnston entered Findings and Recommendations on March 10, 2015, recommending the Court deny the motion. (Doc. 26.) Maier has not filed objections to Judge Johnston's findings and recommendations.

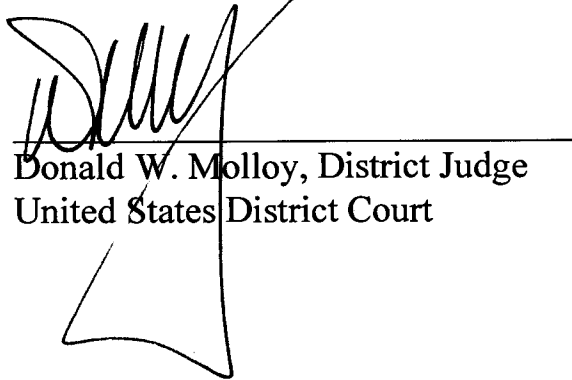
The Court reviews the findings and recommendations that are not specifically objected to for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). The Court finds no clear error with Judge Johnston's determination that there is no basis for a

judgment to be entered against Warden Frink at this early stage in the litigation.

Accordingly, IT IS ORDERED that the Findings and Recommendations (Doc. 26) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Maier's Motion for Default Judgment (Doc. 23) is DENIED.

DATED this 9<sup>th</sup> day of April, 2015.



Donald W. Molloy, District Judge  
United States District Court